

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA DEWEY,

Petitioner,

v.

Case No. 2:16-cv-13573
Hon. George Caram Steeh

RANDALL HAAS,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR
CERTIFICATE OF APPEALABILITY [Dkt. 13], AND
DENYING PETITIONER'S MOTION TO SHOW CAUSE [Dkt. 14]**

On June 13, 2017, this Court denied Petitioner's habeas application brought pursuant to 28 U.S.C. § 2254. The Court also denied a certificate of appealability and denied permission to appeal in forma pauperis. Before the Court are Petitioner's motion for a certificate of appealability and his motion to show cause, the later of which seeks to extend the time for filing a notice of appeal.

On September 1, 2017, the same date Petitioner filed the pending motions, Petitioner also filed a notice of appeal. On November 9, 2017, the Sixth Circuit issued an order dismissing Petitioner's appeal as untimely. The Court found:

Federal Rule of Appellate Procedure 26(b) specifically provides that the time for filing a notice of appeal may not be extended except as authorized in Rule 4. We have reviewed the record and find that the exceptions authorized by Rule 4 do not apply in this case. Dewey filed a “Motion to Show Cause” in the district court on September 1, 2017. In that motion, Dewey seeks an extension of time to file a notice of appeal. The deadline for Dewey to seek a Federal Rule of Appellate Procedure 4(a)(5) extension passed on August 14, 2017. See Fed. R. App. P. 4(a)(5)(A)(I).

Dewey v. Hass, No. 17-2059 (6th Cir. Nov. 9, 2017).

In light of the Sixth Circuit’s order dismissing Petitioner’s appeal as untimely, and in light of its determination that no exceptions to the time-limit for appealing apply to Petitioner’s case, Petitioner’s pending motions are **DENIED.**

SO ORDERED.

Date: December 8, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 8, 2017, by electronic and/or ordinary mail and also on Joshua Dewey #379204, Macomb Correctional Facility, 34625 26 Mile Road, New Haven, MI 48048.

s/Barbara Radke
Deputy Clerk